

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ENMRSH, INC.,

Plaintiff,

v.

Civ. No. 15-1077 JCH/GBW

NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,


Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

On November 24, 2015, Plaintiff filed a complaint against Defendant seeking judicial review of the Social Security Administration's decision to hold Plaintiff liable for the recovery of \$31,790.24 in funds overpaid to a beneficiary for whom Plaintiff served as representative payee between 1999 and 2003. *Doc. 1; doc. 36* at 5. On June 22, 2016, Plaintiff filed a Motion to Reverse or Remand Agency Decision and a Memorandum in Support of the Motion. *Docs. 17, 18*. That motion was fully briefed by November 30, 2016. *See docs. 27, 32, 33*. Following a motion hearing on March 14, 2017, the Magistrate Judge filed his Proposed Findings and Recommended Disposition (PFRD), in which he recommended granting Plaintiff's Motion and reversing the decision of the Social Security Administration without remand. *Docs. 35, 36*. Neither party has filed objections to the PFRD, and, upon review of the record, I concur with the

Magistrate Judge's analysis and accompanying proposed findings and recommendations. In particular, the Court agrees with the Magistrate Judge's recommendation that the passage of more than fourteen years since the overpayments occurred plus Plaintiff's undisputed proper use of all funds on behalf of the beneficiary together counsel in favor of reversal rather than remand.

Wherefore, IT IS HEREBY ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (*doc. 36*), is ADOPTED. Plaintiff's motion is GRANTED and the Commissioner's decision is hereby REVERSED without remand.



Judith C. Herrera
United States District Court Judge